

2011 MAR 23 P 2:02

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

Civil Action No: 1:11cv297

LMB/TCB

Defendant.

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Commission notified Defendant of the aforementioned service of process on or about March 4, 2011.

3. This removal is timely filed pursuant to 42 U.S.C. § 1446(b).

4. Fairfax County is located in the Alexandria Division of the U.S. District Court for the Eastern District of Virginia. Therefore, pursuant to 42 U.S.C. § 1441(a), this Court is the appropriate forum to entertain this notice of removal.

5. In his Complaint, Plaintiff alleges violations of the Colorado R.S.A. § 8-4-109. Plaintiff also alleges a claim of unjust enrichment/quantum meruit.

6. This Court has original jurisdiction over this matter pursuant to 28 U.S.C. §1332 because the amount in controversy exceeds \$75,000, exclusive of interests or costs, and it is between citizens of different states. On information and belief, Plaintiff is a citizen and resident of Colorado, residing at 10238 Dan Court, Littleton, CO 80130.

7. Futurewei Technologies, Inc. d/b/a Huawei Technologies (USA), the proper Defendant in this case, is a Texas corporation with its principal place of business in Plano, Texas. Moreover, the presently but improperly named Defendant, Huawei Technologies, Co., Ltd, was formed under the laws of the People's Republic of China, and is based in Shenzhen, China,

8. Plaintiff alleges he is entitled to recover compensatory damages, punitive damages and attorney's fees, in the amount of at least \$1,141,250.00.

9. To the extent any of Plaintiff's claims are governed by state law, this Court has supplemental jurisdiction over those claims pursuant to 42 U.S.C. § 1367 because such claims

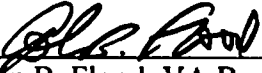
Huawei Technologies (USA) should be substituted as the Defendant in this case and Huawei Technologies, Co., Ltd., should be dismissed.

are so related to claims in the action within the Court's original jurisdiction that they form part of the case or controversy under Article III of the United States Constitution.

10. Concurrent with the filing and service of this Notice of Removal, Defendant has served a Notice to State Court of Removal upon Plaintiff, and has filed the same with the Clerk of the Fairfax County Circuit Court with a copy of this Notice.

WHEREFORE, Defendant files this Notice of Removal so that the entire state-court action under Cause No. 2011-01425 now pending in the Fairfax County Circuit Court is removed to this Court for all further proceedings.

Respectfully submitted,



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Attorney for Defendant

Dated: March 23, 2011

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

Greg Stanton,

Plaintiff,

v.

Huawei Technologies, Co., Ltd.,

Defendant.

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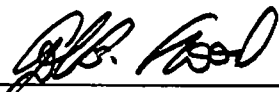
Civil Action No:

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of March, 2011, I caused a true and correct copy of the above and foregoing Defendant's Notice of Removal to be served via first class U.S. Mail, on the following individual:

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